

**ZONING BOARD OF APPEALS**

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ZBA 2010-56
Petition of 159 Glen LLC
159 Glen Road

Pursuant to due notice, the Special Permit Granting authority held a Public Hearing on Thursday, July 15, 2010 at 7:30 p.m. at the Town Hall, 525 Washington Street, Wellesley, on the petition of 159 GLEN LLC requesting a Special Permit/Finding pursuant to the provisions of Section XVII and Section XXV of the Zoning Bylaw that construction of a 741 square foot two and one-half story addition that will meet all setback requirements, on a 14,000 square foot lot in a district in which the minimum lot size is 20,000 square feet, at 159 GLEN ROAD, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

On June 28, 2010, the petitioner filed a request for a hearing before this Authority, and thereafter, due notice of the hearing was given by mailing and publication.

Presenting the case at the hearing was Laurence Shind, Esq. Also present were Mitchell Bobkin, Principal of 159 Glen LLC (the "Petitioner"), and Greg Spiess, Project Architect.

Mr. Shind said that the proposal is for a renovation and expansion of the existing residence. He said that the project will meet all Zoning dimensional requirements. He said that it will eliminate an existing nonconformity. He said that the existing one-car garage at the rear of the property is 10.5 feet from the property line. He said that the proposed garage will be outside of the 20 foot setback area. He said that the lot is undersized for the district.

Mr. Shind said that the existing house was built in 1920 and contains approximately 2,300 square feet of living area. He said that lot coverage is just under 12%. He said that the total finished living area after construction will be 4,300 square feet. He said that lot coverage will increase to just under 17%. He said that the square footage will be well below the 5,900 square foot Total Living Area plus Garage Space (TLAG) threshold for the district.

Mr. Shind said that the Petitioner had spoken with the neighbors. He said that they were not aware of any objections.

The Board asked about rooflines at the rear of the property. Mr. Spiess said that they tried to solve some of the issues with curved ends. He said that the area was easier to resolve with a flat roof. He submitted a simulation of the proposed addition.

The Board asked about covered landings at the three pairs of double doors. Mr. Bobkin said that they would be into the setback area. The Board said that a certain size entry is allowed in the setback area. The Board said that the covered landings would break up the mass.

Mr. Bobkin said that they would like to cover the landings to keep them dry. He said that side of the structure faces North. He said that there is a thick mature grove of hemlocks along that side. He said that the neighbor was not concerned about the design.

David Hoffman, 16 Dean Road, said that he is an abutter. He said that he supports the project. He said that he was concerned that the hemlocks be preserved. He said that they provide good screening. He said that the seller had put up a six foot fence along Mr. Hoffman's property line. He said that he would like to have the fence remain. Mr. Bobkin said that the plan is to keep the fence and the hemlocks.

Statement of Facts

The subject property is located at 159 Glen Road, on a 14,000 square foot lot in a district in which the minimum lot size is 20,000 square feet, with a minimum rear yard setback of 10.5 feet.

The Petitioner is requesting a Special Permit/Finding that construction of a 741 square foot two and one-half story addition that will meet all setback requirements, on a 14,000 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure.

A Plot Plan dated 6/9/10, stamped by Verne T. Port, Jr., Professional Land Surveyor, Existing and Proposed Floor Plans & Elevation Drawings, dated 6/10/10, prepared by Greg Spiess, and photographs were submitted.

On July 13, 2010, the Planning Board reviewed the petition and recommended that the Special Permit be granted.

Decision

This Authority has made a careful study of the materials submitted and the information presented at the hearing.

It is the opinion of this Authority that construction of a 741 square foot two and one-half story addition that will meet all setback requirements, on a 14,000 square foot lot in a district in which the minimum lot size is 20,000 square feet, shall not be substantially more detrimental to the neighborhood than the existing nonconforming structure, as it shall neither increase an existing nonconformity nor create a new nonconformity.

Therefore, a Special Permit is granted for construction of a 741 square foot two and one-half story addition that will meet all setback requirements, on a 14,000 square foot lot in a district in which the minimum lot size is 20,000 square feet.

The Board recommends that two additional open porches in the rear setback that are allowed by right be included on the plans.

The Inspector of Buildings is hereby authorized to issue a permit for construction upon receipt and approval of a building application and detailed construction plans.

If construction has not commenced, except for good cause, this Special Permit shall expire two years after the date time-stamped on this decision.

APPEALS FROM THIS DECISION,
IF ANY, SHALL BE MADE PURSUANT
TO GENERAL LAWS, CHAPTER 40A,
SECTION 17, AND SHALL BE FILED
WITHIN 20 DAYS AFTER THE DATE
OF FILING OF THIS DECISION IN THE
OFFICE OF THE TOWN CLERK.

Cynthia S. Hibbard, Acting Chairman

Robert W. Levy

David L. Grissino

cc: Planning Board
Inspector of Buildings
lrm